

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 06-00421-02-CR-W-DW
v.)	
)	
VINCENT V. GALLEGOS,)	
)	
Defendant.)	

ORDER

Before the Court is Magistrate Judge Sarah W. Hays' Report and Recommendation finding that Defendant Vincent V. Gallegos has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense (Doc. 161). On August 28, 2007, this Court adopted Magistrate Judge Hays' previous Report and Recommendation (Doc. 62) finding that Defendant Gallegos was incompetent, and ordering that Defendant be committed to the custody of the Attorney General. Gallegos was subsequently admitted to the Federal Medical Center in Butner, North Carolina for a determination as to whether there was a substantial probability that he would attain capacity to permit the trial to proceed in the foreseeable future. Thereafter, at defense counsel's request, Defendant's medical records were reviewed by Dr. Stanley Golon, a Board Certified Psychiatrist, and Dr. Leif Eric Leaf performed neuropsychological testing on the defendant.

On October 16, 2008, Magistrate Judge Hays held a competency hearing, during which she heard evidence from seven medical professionals, as well as several other witnesses. Based on the evidence she heard during the October 16th hearing, Magistrate Judge Hays made the

Report and Recommendation currently before the Court (Doc. 161). Defendant has not filed any objections. After an independent review of the record, the applicable law and the parties' arguments, the Court adopts the Magistrate's findings of fact and conclusions of law.

Accordingly, the Court finds that Defendant Gallegos has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, and orders that the Magistrate's Report and Recommendation (Doc. 161) be attached to and made a part of this Order.

SO ORDERED.

Date: April 16, 2009

/s/ Dean Whipple
Dean Whipple
United States District Judge